

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CRIMINAL DOCKET FOR CASE #: 1:15-mj-00922-RGV-1**

Case title: USA v. Davis

Date Filed: 11/02/2015

Other court case number: 2:15-cr-90 – USDC, Eastern District of Tennessee (Greeneville) Date Terminated: 11/04/2015

Assigned to: Magistrate Judge  
Russell G. Vineyard

**Defendant (1)****Richard Alan Davis***TERMINATED: 11/04/2015*represented by **Suzanne Hashimi**

Federal Defender Program Inc.–Atl  
Suite 1500, Centennial Tower  
101 Marietta Street, NW  
Atlanta, GA 30303  
404-688-7530

Fax: 404-688-0768

Email: [Suzanne.Hashimi@FD.Org](mailto:Suzanne.Hashimi@FD.Org)**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition****Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition****Highest Offense Level  
(Terminated)**

None

**Complaints****Disposition**

21:846 and 841(a)(1) and (b)(1)(A) –  
CONSPIRACY TO DISTRIBUTE  
CONTROLLED SUBSTANCE  
(METHAMPHETAMINE)

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**Plaintiff****USA**

represented by **Mary Christine Roemer**  
Office of United States Attorney  
Northern District of Georgia  
75 Spring Street, S.W.  
600 United States Courthouse  
Atlanta, GA 30303  
404-581-6000  
Email: [mary.roemer@usdoj.gov](mailto:mary.roemer@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Page	Docket Text
11/02/2015		4	Arrest (Rule 40) of Richard Alan Davis (ryc) (Entered: 11/04/2015)
11/02/2015	<u>1</u>	5	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Richard Alan Davis. Signed by Magistrate Judge Russell G. Vineyard on 11/2/15. (ryc) (Entered: 11/04/2015)
11/02/2015	<u>2</u>	6	MOTION for Detention by USA as to Richard Alan Davis. (ryc) (Entered: 11/04/2015)
11/02/2015	<u>3</u>	9	Minute Entry for proceedings held before Magistrate Judge Russell G. Vineyard: Initial Appearance in Rule 5(c)(3) Proceedings as to Richard Alan Davis (1) held on 11/2/2015. Order appointing Federal Defender as counsel for defendant. Defendant WAIVES identity hearing. Government's motion for detention filed. Detention hearing set for 11/4/2015 at 01:30 PM in ATLA Courtroom 2022 before Magistrate Judge Russell G. Vineyard. (Tape #FTR) (ryc) (Entered: 11/04/2015)
11/02/2015	<u>4</u>	10	WAIVER of Rule 5 & 5.1 Hearings by Richard Alan Davis (ryc) (Entered: 11/04/2015)
11/02/2015	<u>5</u>	11	Order of Temporary Detention pursuant to Bail Reform Act by Magistrate Judge Russell G. Vineyard as to Richard Alan Davis. Detention Hearing set for 11/4/2015 at 01:30 PM in ATLA Courtroom 2022 before Magistrate Judge Russell G. Vineyard. (ryc) (Entered: 11/04/2015)
11/04/2015	<u>6</u>	12	Minute Entry for proceedings held before Magistrate Judge Russell G. Vineyard: Detention hearing held as to Richard Alan Davis. GRANTING <u>2</u> Government's Motion for Detention. Pretrial detention ordered. (Tape #FTR GOLD) (ryc) (Entered: 11/09/2015)
11/04/2015	<u>7</u>	13	ORDER OF DETENTION Pending Trial as to Richard Alan Davis. Signed by Magistrate Judge Russell G. Vineyard on 11/4/15. (ryc) (Entered: 11/09/2015)
11/04/2015	<u>8</u>	14	COMMITMENT TO ANOTHER DISTRICT as to Richard Alan Davis. Defendant committed to the Eastern District of Tennessee (Greeneville). Signed by Magistrate Judge Russell G. Vineyard on 11/4/15. (ryc) (Entered: 11/09/2015)

11/04/2015		15	Magistrate Case Closed. Defendant Richard Alan Davis terminated. (ryc) (Entered: 11/09/2015)
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MIME-Version:1.0  
From:ganddb\_efile\_notice@gand.uscourts.gov  
To:CourtMail@localhost.localdomain  
Bcc:  
--Case Participants: Suzanne Hashimi (angie\_felton@fd.org, ganat\_ecf@fd.org, suzanne\_hashimi@fd.org), Mary Christine Roemer (gaylene.berberick@usdoj.gov, mary.roemer@usdoj.gov, tonzja.cherry2@usdoj.gov, usagan.motionsresponses@usdoj.gov), Magistrate Judge Russell G. Vineyard (ganddb\_efile\_rgv@gand.uscourts.gov)  
--Non Case Participants:  
--No Notice Sent:  
  
Message-Id:7434254@gand.uscourts.gov  
Subject:Activity in Case 1:15-mj-00922-RGV USA v. Davis Arrest - Rule 40  
Content-Type: text/html

**U.S. District Court**

**Northern District of Georgia**

**Notice of Electronic Filing**

The following transaction was entered on 11/4/2015 at 11:47 AM EST and filed on 11/2/2015

**Case Name:** USA v. Davis  
**Case Number:** 1:15-mj-00922-RGV  
**Filer:**  
**Document Number:** No document attached  
**Docket Text:**  
**[Arrest \(Rule 40\) of Richard Alan Davis \(ryc\)](#)**

**1:15-mj-00922-RGV-1 Notice has been electronically mailed to:**

Mary Christine Roemer mary.roemer@usdoj.gov, gaylene.berberick@usdoj.gov,  
Tonzja.Cherry2@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Suzanne Hashimi Suzanne\_Hashimi@FD.Org, angie\_felton@fd.org, GANAT\_ECF@FD.ORG

**1:15-mj-00922-RGV-1 Notice has been delivered by other means to:**

FILED IN CHAMBERS  
U.S.D.C. - Atlanta

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

NOV 02 2015

James N. Hatten, Clerk  
By: *JNH* Deputy Clerk

UNITED STATES OF AMERICA,

vs.

CASE NO. 1:15-MJ-922

RICHARD ALAN DAVIS,

**ORDER APPOINTING COUNSEL**

SUZANNE HASHIMI

The above-named defendant has testified under oath or has filed with the Court an affidavit of financial status and hereby satisfied this Court that he or she is financially unable to employ counsel.

Accordingly, the **FEDERAL DEFENDER PROGRAM, INC.**, is hereby appointed to represent this defendant in the above-captioned case unless relieved by an Order of this Court or by Order of the Court of Appeals.

Dated at Atlanta, Georgia this 2ND day of November, 2015.

*Russell G. Vreigand*  
UNITED STATES MAGISTRATE JUDGE

NOV 02 2015

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISIONBy: James N. Hatten, Clerk  
pam Deputy Clerk

ORIGINAL

UNITED STATES OF AMERICA

*v.*

RICHARD ALAN DAVIS

Criminal Action No.  
1:15-MJ- 922**Government's Motion for Detention**

The United States of America, by counsel, John A. Horn, United States Attorney, and Mary C. Roemer, Assistant United States Attorney for the Northern District of Georgia, moves for detention under 18 U.S.C. §§ 3142(e) and (f).

**1. Eligibility of Case**

This case is eligible for a detention order because this case involves:

A drug offense having a maximum term of imprisonment of 10 years or more;

A serious risk that the defendant will flee.

**2. Reason for Detention**

The Court should detain defendant because there are no conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community.

**3. Rebuttable Presumption**

The United States will invoke the rebuttable presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community pursuant to 18 U.S.C. §

3142(e)(3). The presumption applies because there is probable cause to believe that the defendant committed:

A drug offense having a maximum term of imprisonment of 10+ year drug offense.

The United States will not invoke the rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of any other person and the community pursuant to 18 U.S.C. § 3142(e)(2).

#### **4. Time for Detention Hearing**

The United States requests the Court conduct the detention hearing after continuance of 2 days.

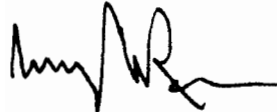
The United States requests leave of Court to supplement this motion with additional grounds or presumptions for detention.

Dated: November 2, 2015.

Richard Russell Federal Building  
75 Ted Turner Drive S.W., Suite 600  
Atlanta, Georgia 30303-3309  
Phone: (404) 581-6000  
Fax: (404) 581-6181  
(404) 581-6265

Respectfully submitted,

JOHN A. HORN  
United States Attorney



MARY C. ROEMER  
Assistant United States Attorney  
Ga. Bar No. 611790

**Certificate of Service**

I served this document today by handing a copy to defense counsel:

Defense Counsel

November 2, 2015

/s/MARY C. ROEMER

MARY C. ROEMER

Assistant United States Attorney



DATE: 11/2/2015 @ 2:40 p.m.

TAPE: FTR

TIME IN COURT: 7 mins

MAGISTRATE JUDGE RUSSELL G. VINEYARD

COURTROOM DEPUTY CLERK: P. MONTGOMERY

CASE NUMBER: 1:15-MJ-922

DEFENDANT'S NAME: RICHARD ALAN DAVIS

AUSA: MARY ROEMER

DEFENDANT'S ATTY: SUZANNE HASHIMI

USPO / PTR:

( ) Retained ( ) CJA (X) FDP ( ) Waived

ARREST DATE

X Initial appearance hearing held.

Defendant informed of rights.

Interpreter sworn:

COUNSEL

X ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows:

IDENTITY / PRELIMINARY HEARING

✓ Defendant WAIVES identity hearing.

WAIVER FILED

Identity hearing HELD. Def is named def. in indictment/complaint; held for removal to other district.

Defendant WAIVES preliminary hearing in this district only.

WAIVER FILED

Preliminary hearing HELD. Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING

X Government motion for detention filed.

11-4-15 @ 1:30pm

X Pretrial hearing set for @ ( ) In charging district.)

Bond/Pretrial detention hearing held.

Government motion for detention ( ) GRANTED ( ) DENIED

Pretrial detention ordered. Written order to follow.

BOND set at NON-SURETY SURETY

cash

property

corporate surety ONLY

SPECIAL CONDITIONS:

Bond filed. Defendant released.

Bond not executed. Defendant to remain in Marshal's custody.

Motion ( verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond GRANTED DENIED

See page 2

UNITED STATES DISTRICT COURT

NOV 02 2015

By: James N. Hatten, Clerk  
Deputy Clerk

NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint/Indictment)

V.

CASE NUMBER: 1:15-MJ-922

RICHARD ALAN DAVIS

Defendant

CHARGING DISTRICTS  
CASE NUMBER: 2:15-CR-90

I understand that charges are pending in the EASTERN District of TENNESSEE

alleging violation of 21:846, 843 and that I have been arrested in this district and  
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing
- ☐ preliminary hearing
- ☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

11/2/15

Date

RAE  
Defendant

[Signature]  
Defense Counsel

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

FILED IN CHAMBERS  
U.S.D.C. - Atlanta

NOV 02 2015

By: James N. Hatten, Clerk  
*JNH* Deputy Clerk

UNITED STATES OF AMERICA,  
vs.

ORDER OF TEMPORARY DETENTION  
PENDING HEARING PURSUANT  
TO BAIL REFORM ACT

RICHARD ALAN DAVIS

CASE NO. 1:15-MJ-922

Upon motion of the Government, it is **ORDERED** that a detention hearing is set for <sup>1</sup>  
NOVEMBER 4, 2015 at 1:30 PM before RUSSELL G. VINEYARD, United States  
Magistrate Judge, U.S. Courthouse, Richard B. Russell Building, 20th Floor, Courtroom  
2022, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Pending this hearing, the defendant shall be held in custody by the United States  
Marshal and produced for the hearing.

Dated at Atlanta, Georgia this 2nd day of NOVEMBER, 2015..

*Russell G. Vineyard*  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup>If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. 3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate; or attempt to threaten, injure, or intimidate a prospective witness or juror.

## MAGISTRATE'S CRIMINAL MINUTES - REMOVALS (Rule 5 &amp; 5.1)

FILED IN OPEN COURT

DATE: 11/4/2015

@ 1:44 p.m.

TAPE: FTR GOLD

TIME IN COURT: 27 mins.

MAGISTRATE JUDGE RUSSELL G. VINEYARD

COURTROOM DEPUTY CLERK: P. MONTGOMEERY

CASE NUMBER: 1:15-MJ-922

DEFENDANT'S NAME: RICHARD ALAN DAVIS

AUSA: MARY ROEMER

DEFENDANT'S ATTY: SUZANNE HASHIMI

USPO / PTR:

( ) Retained ( ) CJA (X) FDP ( ) Waived

ARREST DATE

Initial appearance hearing held.

Defendant informed of rights.

Interpreter sworn:

COUNSEL

ORDER appointing Federal Defender as counsel for defendant.

ORDER appointing \_\_\_\_\_ as counsel for defendant.

ORDER: defendant to pay attorney's fees as follows: \_\_\_\_\_

IDENTITY / PRELIMINARY HEARING

Defendant WAIVES identity hearing.

WAIVER FILED

Identity hearing HELD.

Def is named def. in indictment/complaint; held for removal to other district.

Defendant WAIVES preliminary hearing in this district only.

WAIVER FILED

Preliminary hearing HELD.

Probable cause found; def. held to District Court for removal to other district

Commitment issued.

BOND/PRETRIAL DETENTION HEARING

Government motion for detention filed.

@

Pretrial hearing set for

@

( ) In charging district.)

Bond/Pretrial detention hearing held.

Government motion for detention (X) GRANTED ( ) DENIED

Pretrial detention ordered.

Written order to follow.

BOND set at

NON-SURETY

SURETY

cash

property

corporate surety ONLY

SPECIAL CONDITIONS:

Bond filed. Defendant released.

Bond not executed. Defendant to remain in Marshal's custody.

Motion ( ) verbal) to reduce/revoke bond filed.

Motion to reduce/revoke bond

GRANTED

DENIED

See page 2

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

NOV 04 2015

JAMES N. HATTEN, Clerk  
By: *pam* Deputy Clerk

UNITED STATES OF AMERICA

vs

## ORDER OF DETENTION PENDING TRIAL

RICHARD ALAN DAVIS

Case No.: 1:15-MJ-922

Defendant

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f) a detention hearing has been held.

## Part I - Findings of Fact

## A. Rebuttable Presumption Cases

- ☒ (1) This is a **rebuttable presumption case** because there is probable cause to believe that the defendant has committed an offense under 18 U.S.C. §3142(e)(3), that is, an offense, for which a maximum term of imprisonment of ten years or more is prescribed in 21 USC 846; or under §924(c); and
- ☒ (2) Defendant has **not rebutted** the presumption that no condition or combination of conditions will reasonably assure the safety of another person or the community and/or no condition or combination of conditions will reasonably assure the appearance of the defendant as required

## B. Non-Rebuttable Presumption Cases

- ☐ (1) This is **not a rebuttable presumption case**; however, the case is eligible for a detention hearing under 18 U.S.C. §3142(f)(1); and
- (2) There is a serious risk that
- ☐ (a) The defendant will not appear, and/or
- ☐ (b) The defendant will endanger the safety of another person or the community

## Part II - Written Statement of Reasons for Detention

I find that the information submitted at the hearing establishes:

☒ by a preponderance of the evidence, that no condition or combination of conditions will reasonably assure the appearance of the defendant as required; and/or ☐ by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community

My reasons are Defendant is charged with drug trafficking conspiracy and he has prior convictions for drug distribution and V6 CSA. If convicted he may face up to life imprisonment. He was arrested on Oct. 3, 2015 in a hotel room with over 1lb of methamphetamine and \$14,000 in cash and firearms were also in the room. He does not have a stable residence and no resources for bond. There are several cooperating individuals who have identified him as a source of supply.

## Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of any attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: NOVEMBER 4, 2015

*Russell G. Vineyard*  
\_\_\_\_\_  
RUSSELL G. VINEYARD, UNITED STATES MAGISTRATE JUDGE

AO 94 (Rev. 12/03) Commitment to Another District

## UNITED STATES DISTRICT COURT

NORTHERN

FILED IN OPEN COURT  
U.S.D.C. - Atlanta

GEORGIA

UNITED STATES OF AMERICA  
V.COMMITMENT TO ANOTHER  
DISTRICT

NOV 04 2015

RICHARD ALAN DAVIS

JAMES N. HATTEN, Clerk  
By: *PAM* Deputy Clerk

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

2:15-CR-90

1:15-MJ-922

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify)

charging a violation of 21 U.S.C. § 843, 846

## DISTRICT OF OFFENSE

EASTERN DISTRICT OF TENNESSEE

## DESCRIPTION OF CHARGES:

CONSPIRACY: METHAMPHETAMINE &amp; USING A TELEPHONE TO FACILITATE OFFENSE.

## CURRENT BOND STATUS:

- ☐ Bail fixed at \_\_\_\_\_ and conditions were not met
- ☒ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) \_\_\_\_\_

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☐ No ☐ Yes Language: \_\_\_\_\_

## DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11/4/15  
Date

*Russell G. Vinyard*  
Judge

## RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

MIME-Version:1.0  
From:ganddb\_efile\_notice@gand.uscourts.gov  
To:CourtMail@localhost.localdomain  
Bcc:  
--Case Participants: Suzanne Hashimi (angie\_felton@fd.org, ganat\_ecf@fd.org, suzanne\_hashimi@fd.org), Mary Christine Roemer (gaylene.berberick@usdoj.gov, mary.roemer@usdoj.gov, tonzja.cherry2@usdoj.gov, usagan.motionsresponses@usdoj.gov), Magistrate Judge Russell G. Vineyard (ganddb\_efile\_rgv@gand.uscourts.gov)  
--Non Case Participants: File Clerks (ganddb\_file\_clerks@gand.uscourts.gov)  
--No Notice Sent:  
  
Message-Id:7442400@gand.uscourts.gov  
Subject:Activity in Case 1:15-mj-00922-RGV USA v. Davis Termination of Magistrate Case  
Content-Type: text/html

**U.S. District Court**

**Northern District of Georgia**

**Notice of Electronic Filing**

The following transaction was entered on 11/9/2015 at 1:01 PM EST and filed on 11/4/2015

**Case Name:** USA v. Davis

**Case Number:** 1:15-mj-00922-RGV

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**Magistrate Case Closed. Defendant Richard Alan Davis terminated. (ryc)**

**1:15-mj-00922-RGV-1 Notice has been electronically mailed to:**

Mary Christine Roemer mary.roemer@usdoj.gov, gaylene.berberick@usdoj.gov,  
Tonzja.Cherry2@usdoj.gov, USAGAN.MotionsResponses@usdoj.gov

Suzanne Hashimi Suzanne\_Hashimi@FD.Org, angie\_felton@fd.org, GANAT\_ECF@FD.ORG

**1:15-mj-00922-RGV-1 Notice has been delivered by other means to:**